



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

May 30, 1991

Ms. Dori A. Wind
Assistant County Attorney
Division Chief
Harris County Attorney's Office
1001 Preston, Suite 634
Houston, Texas 77002

OR91-251

Dear Ms. Wind:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10971.

The Harris County Hospital District received a request for incident reports involving nursing services at district facilities. You inform us that the hospital maintains three different types of reports that could be considered responsive to this request: (1) employee reports, (2) employee incident reports, and (3) incident investigation reports.

The incident investigation reports are prepared in part by a physician. Other portions reflect physicians' orders regarding treatment of patients. Because such information is inextricably intertwined with other information in the reports, they must be withheld under V.T.C.S. article 4495b, section 5.08(b).

The employee incident reports are employees' reports of job-related injuries. Some of those reports reflect physicians' orders regarding treatment of an identified patient or an injured employee. Such portions are covered by section 5.08(b) of article 4495b and should not be released. You have submitted to us numerous examples of employee incident reports. Other information in the reports is made confidential by common-law privacy. We have marked the reports to show the type of information that should be withheld. You should edit other such reports accordingly.

The employee reports deal with employee disciplinary matters. We have marked the portions of the reports you submitted that may be withheld under section 3(a)(11), which allows the hospital district to withhold advice, opinion, and recommendation.

In your initial letter to us you suggested that employee reports and employee incident reports were records of a hospital committee that are made confidential by section 161.032 of the Health and Safety Code. Subsequent conversations with your office established that employee reports and employee incident reports are not records of a hospital committee. Therefore we need not consider the scope of section 161.032.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-251

Yours very truly,

A handwritten signature in black ink that reads "Sarah Woelk". The signature is fluid and cursive, with the first name "Sarah" and last name "Woelk" clearly distinguishable.

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/mc

Ref.: ID# 10971

cc: Wayne Dolcefino
13 Undercover
KTRK Television
Box 13
Houston, Texas 77001